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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,725	08/17/2001	Jithamithra Sarathy	312/15	6905
27538	7590	08/10/2005	EXAMINER	
KAPLAN GILMAN GIBSON & DERNIER L.L.P.			CHO, HONG SOL	
900 ROUTE 9 NORTH			ART UNIT	PAPER NUMBER
WOODBIDGE, NJ 07095			2662	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/931,725

Applicant(s)

SARATHY ET AL.

Examiner

Hong Cho

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-18, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-8 and 19-22 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04222002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. This is in response to communication filed on 7/19/2005. Claims 1-24 are pending in this application. Applicants are requested to expressly cancel non-elected claims, 1-8 and 19-22.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 9-18, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bala et al (U.S. 6272154), hereinafter referred to as Bala.

Re claims 9-11, Bala discloses monitoring input and output optical power and reporting the monitored results to the network element controller (*monitoring defined optical signal parameter such as optical power at both the receive side and transmit side and communicating the monitored results to the node's controllers*, column 8, lines 64-66). Bala does not disclose continually monitoring input and output optical powers and reporting the monitored results to the network element controller. Bala discloses network control and monitor system being able to issue an alarming and updating notification to

affect changes in switch operations (column 14, lines 28-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bala to continually measure input and output optical powers and report the monitoring results continually so that network element would be reconfigured to provide transparent path protection switching.

Re claim 12, Bala discloses the signal level of the dropped signal being at least 15 dBm (*thresholds for each of the optical parameters can be set by the user*, column 10, lines 7-10; column 11, lines 39-41).

Re claim 13, Bala discloses all of the limitations of the base claim, but fails to disclose updating the monitoring results at least every 125 microseconds. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bala to report the monitoring results at every 125 microseconds so that network element would be reconfigured to provide transparent path protection switching.

Re claims 14, 16, 23, and 24, Bala discloses monitoring input optical power (*monitoring of input signals in a data network node*, column 8, lines 64-66). Bala discloses optical power monitors (*signal parameter measuring devices*, column 5, line 30) and transferring the optical signals to the network element controller through an Ethernet bus (*a high-speed bus connecting them with the node controllers*, column 4, lines 41-44). Bala does not disclose dedicated hardware for formatting the monitoring results. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bala to implement hardware to format the monitoring result so that a user would be able to understand the monitored result in a user defined

format to issue a command to reconfigure the network element. Bala discloses a network management system providing the network element with instructions on how to configure the signal paths through the network element and network element transferring the optical signals (*signal performance data*, column 4, lines 50-52) at the transfer interfaces (*communications on the high-speed bus is restricted to messages communicating signal performance data, the nodal switch map, and restoration or reconfiguration*, column 4, lines 32-38).

Re claim 15, Bala discloses all of the limitations of the base claim, but fails to disclose the node controllers comprising a connection manager and an equipment manager. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bala to have a connection manager for setting up the connection and an equipment manager for checking the availability of ports (column 11, lines 56-59).

Re claim 17, Bala discloses reconfiguring the nodal switch fabric by identifying a defined change in signal parameters (column 11, lines 35-38).

Re claim 18, Bala discloses a data network wherein high-speed restoration occurs (column 13, lines 31-32).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- US Patent (5317198) to Husbands

- US Patent (5436624) to Pearce et al
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hong Cho  
Patent Examiner  
8/8/2005

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**